

**ORDINANCE NO: 23-155**

**BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, as follows:

**Section 1.** The following ordinances are hereby repealed:

(a) **Ordinance No. 89-80**, Section 2-55, adopted February 24, 1989; amended by **Ordinance No. 92-647**, adopted November 18, 1992; amended by **Ordinance No. 93-413**, adopted June 24, 1993; amended by **Ordinance No. 93-630**, adopted September 30, 1993; amended by **Ordinance No. 93-793**, adopted December 9, 1993; amended by **Ordinance No. 93-847**, adopted January 27, 1994; and **Ordinance No. 97-608**, adopted August 28, 1997.

(b) **Ordinance No. 89-80**, Section 2-56, adopted February 24, 1989; amended by **Ordinance No. 92-642**, adopted November 24, 1992; amended by **Ordinance No. 93-418**, adopted June 24, 1993, which was repealed by **Ordinance No. 93-625**, adopted September 30, 1993, and by **Ordinance No. 93-718**, adopted December 9, 1993.

(c) **Ordinance No. 93-625**, adopted September 30, 1993.

(d) **Ordinance No. 93-718**, adopted December 9, 1993, which was repealed by **Ordinance No. 96-834**.

(e) **Ordinance No. 93-626**, adopted September 30, 1993; amended by **Ordinance No. 93-790**, adopted December 9, 1993; amended by **Ordinance No. 96-841**, adopted October 28, 1996.

**Section 2.** The consolidated position of city clerk-treasurer is abolished and separate positions for city clerk and city treasurer are established. Furthermore, the position of city auditor is created and consolidated with city treasurer. The combined treasurer-auditor is designated as the director of finance. All references to the treasurer and auditor shall mean and refer to the director of finance.

**Section 3.** Section 2-291 of Article VII *Departments, Department Heads and Other Appointed Officers of Chapter 2 Administration* of the Code of Ordinances of the City of Huntsville, Alabama (hereinafter referred to as "City Code") is hereby renamed and amended in its entirety to read as follows:

**Sec. 2-291. Departments of the city established.**

(a) The municipal government of the city shall be divided into departments, which may be further sub-divided into divisions, in order to provide for the orderly and efficient administration of budgeting, equipping, and manning systems of the city. Each department shall be assigned missions and duties critical to the effective delivery of municipal public services.

(b) The departments of the city shall be as follows:

- (1) Administration Department
- (2) Office of the City Council
- (3) Office of the City Clerk

- (4) Finance Department
- (5) General Services Department
- (6) Human Resources Department
- (7) Information Technology Services Department
- (8) Office of the City Attorney
- (9) Parks and Recreation Department
- (10) Huntsville Police Department
- (11) Huntsville Fire and Rescue Department
- (12) Municipal Court
- (13) Huntsville Animal Services Department
- (14) Cemetery Department
- (15) Landscape Management Department
- (16) Department of Parking and Public Transit
- (17) Public Works Department
- (18) Community Development Department
- (19) City Engineering Department
- (20) Inspections Department
- (21) Natural Resources Department
- (22) Planning Department
- (23) Traffic Engineering Department
- (24) Water Pollution Control Department

**Section 4.** Secs. 2-292, 2-301, 2-302, 2-303, 2-304, 2-321, 2-322, 2-323, and 2-324 of Article VII of Chapter 2 of the City Code are hereby deleted in their entirety.

**Section 5.** Division 2 of Article VII of Chapter 2 of the City Code is hereby renamed *Administration Department* and Secs. 2-322 – 2-352 shall be reserved for future use.

**Section 6.** Division 3 of Article VII of Chapter 2 of the City Code is hereby renamed *Office of City Council* and Secs. 2-353 – 2-383 shall be reserved for future use.

**Section 7.** Division 4 of Article VII of Chapter 2 of the City Code is hereby created and shall read in its entirety as follows:

#### **DIVISION 4. OFFICE OF THE CITY CLERK**

**Sec. 2-384. Office of city clerk established; term of office; bond.**

(a) The office of the city clerk is hereby created. The office of city clerk shall be under the general supervision and control of the city clerk, who may also be referred to as the clerk. The city clerk shall be a department head of the city and shall be appointed by the mayor subject to the approval of the city council as provided by law.

(b) The city clerk shall hold office for the term of the mayor making the appointment and until a successor is appointed and qualified. The city clerk shall be under the general supervision and control of the mayor, who establishes the qualifications of the position, and shall

administer the department in accordance with city policies and procedures and the laws of the State of Alabama.

(c) For the faithful discharge of the duties of his office, the city clerk shall make bond with surety approved by the mayor in such sum as the city council may prescribe, the premium of which shall be paid by the city. Where the duties of the clerk are being performed in the clerk's absence, the person performing those duties shall be bonded.

**Sec. 2-385. Duties of the clerk.**

The city clerk shall, acting directly or through subordinates or designees, exercise the powers now or hereafter conferred and discharge the duties now or hereafter imposed upon the office by the laws of the state, except as hereinafter provided, and the ordinances and resolutions of the city. Such powers and duties of the clerk include, but are not necessarily limited to, each of the following:

- (1) *Department head.* The city clerk shall be the department head of the office of the city clerk. As department head, the city clerk shall plan, assign and supervise the work of all personnel of his department through subordinate supervisors or directly. The clerk prepares the annual budget for his department. The clerk shall act as liaison between his office and private citizens, organizations, and businesses; city officials, officers, department heads, departments, boards, commissions and agencies; and other governmental entities and public agencies. Work is reviewed through audits, periodic reports, and program evaluations.
- (2) *Assistance to mayor.* In matters related to his office and, more broadly, the operations of the city through its various departments, the clerk shall serve as an executive director of the city, directly assisting and advising the mayor in management of the city. He shall prepare special reports and attend special meetings as may be required by the mayor. The clerk shall assist and collaborate with the mayor in the development, implementation, and furtherance of city goals, plans, and policies.
- (3) *City council duties.* The clerk shall provide support and assistance to the city council in the organization, submission, and preparation of its agendas. The clerk shall attend the meetings of the city council and keep a record of its proceedings and minutes and shall oversee the preparation of the minutes. He shall have the custody of the rules, ordinances, and resolutions of the city council and shall keep a record of them when adopted by the city council. The city clerk shall be available to councilmembers to respond to requests for information or questions related to matters under the general control of the city clerk which are pertinent to the performance of the councilmember's duties. In matters related to his office, the clerk shall prepare special reports and attend special meetings as may be required by the city council.
- (4) *Elections.* The clerk shall coordinate, manage, and supervise the conduct of municipal elections; receive and file election statements as required by law; direct and supervise election personnel and ensure compliance with federal, state, and local laws and

regulations. The clerk shall serve as absentee election manager in the conduct of municipal elections in accordance with applicable state law.

(5) *Custodian of seal and records; maintenance of records.* The clerk shall have the custody of the city seal and impress the seal upon all papers and documents where the seal of the city must appear. Unless otherwise provided by applicable law, the clerk shall be the custodian of the city's records and documents and shall attest or certify to their authenticity as appropriate. The city clerk shall maintain an appropriate system to ensure the proper filing, indexing, maintenance, storage, and disposal of city records and documents in accordance with applicable law.

(6) *Publication; recordation.* The clerk shall oversee the publication and postings of all official notices, ordinances, advertisements, and related matters, and shall record in the probate records legal documents, as appropriate.

(7) *Attesting documents.* The clerk is responsible for attesting city documents, or the execution thereof, where such formality is required or authorized.

(8) *Print office; mail.* The clerk shall direct the receipt and distribution of external and internal mail and directs the city's printing and supply office.

(9) *Dissemination of information; communication.* The clerk shall prepare and disseminate information to the public relative to public notices and other city ordinances.

(10) *Budgeting and debt assistance.* The clerk, as appropriate or as requested by the finance director, shall assist with the preparation of the annual budget, sales of warrants, bonds and other evidences of indebtedness (hereinafter referred to in this division as "debt"), and preparation of debt packages, and similar matters.

(11) *Additional duties.* The clerk, in addition to the enumerated duties, shall perform related work as required, and shall perform any and all duties that may be required of him by ordinance or resolution. The position classification specification developed and implemented through the department of human resources may provide for such marginal duties as may be required for the position consistent with the duties set forth herein.

#### **Sec. 2-386. Absence of clerk; assumption of powers and duties.**

Whenever the clerk shall be absent from his office or shall be unable to discharge the powers and duties of his office, the records maintenance supervisor shall immediately assume the powers and duties of the office as acting city clerk during such time, or, if at the direction of the mayor, the city administrator, or his designee, shall immediately assume the powers and duties of the office as acting clerk during such time.

Secs. 2-387 – 2-414. - Reserved

**Section 8.** Division 5 of Article VII of Chapter 2 of the City Code is hereby created and shall read in its entirety as follows:

## **DIVISION 5. FINANCE DEPARTMENT**

### **Sec. 2-415. Finance Department established; term of office; bond.**

(a) The finance department is hereby created. The department of finance shall be under the general supervision and control of the director of finance. The positions of city treasurer and city auditor are established and consolidated, including all duties, responsibilities, and authorities as prescribed to those positions by state code. The city treasurer-auditor shall be designated as the director of finance. The director of finance, who may also be referred to as finance director, shall be a department head of the city and shall be appointed by the mayor subject to the approval of the city council as provided by law.

(b) The finance department shall be comprised of the divisions, employees, units, and functions that are under the general supervision, management, and control of the director of finance who shall plan, organize, and direct the activities and develop and implement the policies and procedures of the finance department and its divisions.

(c) The finance director shall hold office for the term of the mayor making the appointment and until a successor is appointed and qualified. The finance director shall be under the general supervision and control of the mayor, who establishes the qualifications of the position, and shall administer the department in accordance with city policies and procedures, generally accepted accounting principles, and the laws of the State of Alabama.

(d) For the faithful discharge of the duties of his office and the safe custody of municipal funds, the finance director shall make bond with surety approved by the mayor in such sum as the city council may prescribe, the premium of which shall be paid by the city. Where the duties of the finance director are being performed in the finance director's absence, the person performing those duties shall be bonded.

### **Sec. 2-416. Finance director duties.**

The director of finance, acting directly or through subordinates or designees, shall exercise the powers now or hereafter conferred and discharge the duties now or hereafter imposed upon the office by the laws of the state and the ordinances and resolutions of the city. Except for those duties or powers conferred or delegated by state law or city ordinance or resolution upon some other official, officer or employee of the city, the director of finance shall have charge of the administration of the financial affairs of the city. The powers and duties of the finance director include, but are not necessarily limited to, each of the following:

(1) *Department head.* The director of finance shall be the department head of the finance department. As department head, the finance director shall plan, assign, and supervise the work of all personnel of his department through subordinate supervisors or directly. The finance director prepares the annual budget for his department. The finance director shall act as liaison between his office and private citizens, organizations, and businesses; city officials, officers, department heads, departments, boards, commissions and agencies; and other governmental entities and public agencies. Work is reviewed through audits, periodic reports, and program evaluations.

(2) *Assistance to mayor.* In matters related to his office and, more broadly, the operations of the city through its various departments, the finance director shall serve as an executive director of the city, directly assisting and advising the mayor in management of the city. He shall prepare special reports and attend special meetings as may be required by the mayor. The finance director shall assist and collaborate with the mayor in the development, implementation, and furtherance of city goals, plans, and policies.

(3) *City council duties.* The finance director shall be available to councilmembers to respond to requests for information or questions related to matters under the general control of the finance director which are pertinent to the performance of the councilmember's duties. In matters related to his department, the finance director shall prepare special reports and attend special meetings as may be required by the city council.

(4) *City Auditor duties.*

a. *Auditing; claims and demands; issuance of warrants.* The finance director shall submit all claims, requisitions, and demands against the city to the city council at its next regular meeting for its approval, unless already provided for by ordinance or resolution, and upon its being approved by the city council and the passage of ordinances carrying it into effect when necessary, said finance director shall issue warrant on the city treasury for the amount of such claim, requisition, or demand. Before issuing any warrant, the finance director shall audit the claim, certify to its correctness, and keep a record thereof, which record shall also show to what department or departments it is chargeable.

b. *Books and accounts.* The finance director shall keep a convenient set of books in which there shall be kept a separate account with each collecting officer of the city. He shall keep a separate account with each department for which a separate appropriation shall have been made, crediting the amount of the appropriation and charging warrants drawn against the same. He shall keep such other accounts as may be necessary to show the financial condition of the city and of each department thereof at all times. He shall not allow the amount appropriated for any item of expense to be drawn on for any other purpose. He shall not allow any warrant to be drawn unless sufficient funds actually be in the treasury to the credit of the fund upon which such warrant is drawn unless specifically authorized by an ordinance.

c. *Internal audits.* With approval of the mayor, the finance director shall inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office. In addition, the finance director is responsible for managing the annual audit contract and coordinating the timely completion of the city's annual independent audit and development of an

effective plan for the resolution of any internal control weaknesses or deficiencies identified in the annual audit report.

(5) *Custodian of funds; warrants; records and reports, interest on warrants.*

- a. The finance director shall be the custodian of the funds of the city, keeping an accurate record of the funds of the several departments, and shall keep books showing accurately the financial condition of the city.
- b.
  - (i) The finance director shall pay out money only upon warrants drawn by the officers authorized by applicable law to draw warrants upon the treasury, and when paid shall keep safely the warrants so drawn. Such warrants shall be drawn by the finance director on the city treasury the warrants showing to what department the same is to be charged, and the city council may authorize the finance director to draw such warrants on the city treasury, or one of the city depositories, without the approval of the mayor; except, that in all instances the approval of the mayor shall have first been inscribed upon the voucher for the payment of which such warrant is drawn. No warrant shall be drawn except by authority of law or ordinance.
  - (ii) Notwithstanding any provision of this Code to the contrary, whenever the payment of city funds is required or authorized by warrant drawn upon the city treasury approved, or the invoice thereof approved, by the mayor, such payment instead may, where authorized by law, be made by electronic funds transfer or by a check drawn upon the appropriate city depository, which check shall be signed by the mayor and countersigned by the finance director.
  - (iii) All authorized payments made by electronic funds transfers shall be under the supervision and control of the finance director and such payments shall be coordinated and submitted through the finance department and in accordance with all applicable laws. The finance director is responsible to ensure that such payments are initiated, executed, and approved in a secure manner, and in accordance with all applicable laws, and may establish policies and procedures relative thereto.
- c. No expenditure shall be allowed unless the same shall have been duly authorized in accordance with the financial policies of the city.
- d. The finance director shall keep a record of all warrants presented for payment which are unpaid for want of funds and shall pay them when funds are available in the order of their presentation.
- e. The finance director shall make report as required by state law and the city council of the financial condition of the account of each department authorized to draw on the city treasury and shall make a quarterly statement, under oath, of the financial condition of the city to the city council.

f. If no interest is stipulated to be paid on warrants drawn upon the city treasury and not paid for want of funds, then the legal rate shall be allowed from the time of presentation, which time shall be endorsed by the finance director on the warrant with his signature, but no interest shall be paid on such warrants after notice has been posted in the office of the finance director or in the office of the mayor that such warrants will be paid on demand.

(6) *Tax administration; licenses.* The finance director shall be the city's tax administrator and shall oversee the administration and enforcement, including auditing, assessment, and collection, of the city's tax laws in accordance with applicable state and city laws, including chapter 15 of this Code. The finance director shall issue city business licenses and shall have general supervision and control over the city's licensing division, which includes the administration and enforcement of business licenses and related regulatory matters associated therewith, including alcoholic beverage licensure, bingo operations, vehicles for hire, and residential solicitation.

(7) *Collection of monies.* The finance director shall collect all special assessments, license fees and other revenues of the city for whose collection the city is responsible and receive all money receivable by the city from the county, state, or federal government, or from any court, or from any office, department or agency of the city.

(8) *Financial policies and programs.* The finance director shall, in accordance with and pursuant to applicable law, including chapter 2, article IV of this Code, administer the financial policies and programs of the city including, but not necessarily limited to, the investment of city funds, budgeting and financial management, debt management, and procurement and contract administration.

(9) *Debt.* Unless otherwise provided for by applicable law, the finance director shall have supervision over the preparation of all materials involved with the issuance of warrants, bonds and other evidences of indebtedness (hereinafter referred to in this division as "debt"), including without limitation resolutions, ordinances, debt instruments, requests for proposals by financial institutions for loans to be evidenced by debt instruments, advertisements for sale of debt, amortization schedules for debt, preparation of debt prospectuses, conduct of sale of debt, and delivery of debt instruments, compliance with federal tax regulations as respects debt the interest on which is exempt from federal income taxation, and all similar matters, all subject to provisions of law and municipal ordinances, applicable thereto.

(10) *Payroll.* The finance director shall prepare and execute the city's payroll and related processes.

(11) *Financial accounting, reporting and record-keeping.* Except for those duties conferred on or delegated or assigned to other city officers or employees by applicable law, the finance director shall perform, or oversee and supervise the performance of, the financial accounting, reporting, and record-keeping activities of the city, including, but not

necessarily limited to, the day-to-day management of accounts payable and general ledger activities; and the timely and accurate preparation of all monthly, quarterly, and annual financial statements, schedules, and reports, including the Annual Comprehensive Financial Report.

(12) *Inventory and tracking of city property; listing evaluation of property.* The finance director shall prepare and keep on file an up-to-date inventory of, and shall track, all the capital assets of the city. In securing such inventory and tracking, the director of finance shall have the right to call upon any officer, agent, or employee of the city for any desired information at the discretion of the mayor. The inventory shall also show the approximate value of each asset.

(13) *Grant management.* Unless expressly delegated or assigned to other city officers or employees, the finance director is responsible for the oversight and administration of grant-related financial activity for the city, including proper budgeting and accounting for grants, tracking and reporting of grant activity, reviewing of financial reports generated by recipient departments, identifying and investigating issues that might arise with respect to the management of grants, assisting with grant submittals, establishing financial policies and procedure for grant management, and meeting the requirements under federal law of non-federal entities expending Federal awards (Single Audit).

(14) *Moneys to be paid over.* The finance director shall receive from the officers, employees, and agents of the city all money belonging to the city received or collected by them. The finance director shall deposit all money so received in authorized depositories.

(15) *Public depository; liability for loss.* Pursuant to Chapter 14A of Title 41 of the Code of Ala. 1975, are depositories where the finance director shall deposit public money, with interest being paid thereon and security given therefor by the depository. As to deposits made under the authority of an ordinance of the council, neither the finance director nor his bondsmen if the finance director has exercised due care shall be further liable for any loss occasioned thereby.

(16) *Additional duties.* The finance director, in addition to the enumerated duties, shall perform related work as required, and shall perform any and all duties that may be required of him by ordinance or resolution. The position classification specification developed and implemented through the department of human resources may provide for such marginal duties as may be required for the position consistent with the duties set forth herein.

#### **Sec. 2-417. Absence of finance director; assumption of powers and duties.**

Whenever the finance director shall be absent from his office or shall be unable to discharge the powers and duties of his office, the deputy finance director shall immediately assume the powers and duties of the office as acting finance director during such time, or, if at the direction of the

mayor, the city administrator, or his designee, shall immediately assume the powers and duties of the office as acting finance director during such time.

Secs. 2-418 – 2-455. - Reserved

**Section 9.** Article VII of Chapter 2 of the City Code is hereby amended to add the following divisions:

**Division 6** *General Services Department* of Article VII is hereby created and Secs. 2-2-456 – 2-496 shall be reserved for future use.

**Division 7** *Human Resources Department* of Article VII is hereby created and Secs. 2-2-497 – 2-527 shall be reserved for future use.

**Division 8** *Information Technology Services Department* of Article VII is hereby created and Secs. 2-528 – 2-558 shall be reserved for future use.

**Division 9** *Office of the City Attorney* of Article VII is hereby created and Secs. 2-559 – 2-589 shall be reserved for future use.

**Division 10** *Parks and Recreation Department* of Article VII is hereby created and Secs. 2-590 – 2-620 shall be reserved for future use.

**Division 11** *Huntsville Police Department* of Article VII is hereby created and Secs. 2-621 – 2-651 shall be reserved for future use.

**Division 12** *Huntsville Fire and Rescue Department* of Article VII is hereby created and Secs. 2-652 – 2-685 shall be reserved for future use.

**Division 13** *Municipal Court* of Article VII is hereby created and Secs. 2-686 – 2-725 shall be reserved for future use.

**Division 14** *Huntsville Animal Services Department* of Article VII is hereby created and Secs. 2-726 – 2-756 shall be reserved for future use.

**Division 15** *Cemetery Department* of Article VII is hereby created and Secs. 2-757 – 2-787 shall be reserved for future use.

**Division 16** *Landscape Management Department* of Article VII is hereby created and Secs. 2-788 – 2-818 shall be reserved for future use.

**Division 17** *Department of Parking and Public Transit* Article VII is hereby created and Secs. 2-819 – 2-850 shall be reserved for future use.

**Division 18** *Public Works Department* Article VII is hereby created and Secs. 2-851 – 2-890 shall be reserved for future use.

**Division 19** *Community Development Department* Article VII is hereby created and Secs. 2-891 – 2-921 shall be reserved for future use.

**Division 20** *City Engineering Department* Article VII is hereby created and Secs. 2-922 – 2-952 shall be reserved for future use.

**Division 21** *Inspections Department* Article VII is hereby created and Secs. 2-953 – 2-983 shall be reserved for future use.

**Division 22** *Natural Resources Department* Article VII is hereby created and Secs. 2-984 – 2-1014 shall be reserved for future use

**Division 23** *Planning Department* Article VII is hereby created and Secs. 2-1015 – 2-1055 shall be reserved for future use.

**Division 24** *Traffic Engineering Department* Article VII is hereby created and Secs. 2-1056 – 2-1090 shall be reserved for future use.

**Division 25** *Water Pollution Control Department* Article VII is hereby created and Secs. 2-1091 – 2-1290 shall be reserved for future use.

**Section 10.** The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville, Alabama are specifically included herein by reference as if fully set forth.

**Section 11.** This Ordinance shall become effective upon its adoption and publication.

**ADOPTED** this the 9th day of March, 2023.

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President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the 9th day of March, 2023.

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Mayor of the City of Huntsville,  
Alabama